

ProLogis also relinquishes any claim by ProLogis to any bond monies on deposit with the Court.

WHEREFORE, ProLogis and WRR request that the Court render an order dismissing WRR's claims against ProLogis with prejudice to refile and dismissing ProLogis's claims against WRR with prejudice to refile. The parties request that the Court sever these claims from the remainder of the case so that the order only as to ProLogis's and WRR's claims and defenses will become final. ProLogis and WRR request such other relief to which they may show themselves entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2006, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

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